

2021 DEC 14 AM 11:32

DIANE GONZALES  
ATASCOSA COUNTY CLERKBY Black DEPUTY**NOTICE OF TRUSTEE'S SALE**

Assert and protect your rights as a member of the armed forces of the United States. If you are or your spouse is serving on active military duty, including active military duty as a member of the Texas National Guard or the National Guard of another state or as a member of a reserve component of the armed forces of the United States, please send written notice of the active duty military service to the sender of this notice immediately.

STATE OF TEXAS                   §  
  §  
COUNTY OF ATASCOSA       §

The following capitalized terms, as used in this document, shall have the meanings as set forth below:

- Borrower:*** Jeffrey Beyer and Melodie Beyer
- Lender:*** Colby TX Real Estate Holdings, LLC, a Texas limited liability company ("Colby TX Real Estate Holdings").
- Note:*** "Promissory Note" dated September 27, 2021, executed by Borrower and payable and delivered to the Lender, in the original principal amount of \$5,915,246.44.
- Deed of Trust:*** Deed of Trust dated September 27, 2021, executed by Borrower as Grantor granting Colby TX Real Estate Holdings a security interest in certain real property (including improvements) to secure repayment of the Note and which instrument is recorded at Clerk's Instrument No. 218243 in the Official Public Records of Atascosa County Texas, and which includes a Correction Affidavit as to a Recorded Original Instrument (Non-material correction pursuant to §5.028, Texas Property Code) recorded at Clerk's Instrument No. 219508 in the Official Public Records of Atascosa County Texas.
- Property:*** All of the property described in Exhibits A (and as further described or depicted in Exhibits A-1 and B) attached hereto and incorporated fully herein by reference, together with all buildings, structures, fixtures and improvements located thereon, and all and singular the rights and appurtenances to the same belonging or in anywise incident or appertaining.
- Trustee:*** Donald A. Kaczowski

**Address of  
Trustee:**

777 Main Street, Suite 2700  
Fort Worth, Texas 76102

**Sale Date:**

January 4, 2022, which is the first Tuesday of said month.

**Earliest Time  
For Sale:**

10:00 o'clock a.m. on the Sale Date.

**County:**

Atascosa County, Texas.

**Designated  
Sale Area:**

Atascosa County, Texas at the following location: THE WEST PORCH OF THE ATASCOSA COUNTY COURTHOUSE located at 1 Courthouse Circle Drive, Jourdan, TX 78026; or at the area most recently designated by the Atascosa County Commissioner's Court to hold such sales in accordance with Texas Property Code §51.002.

A. Under the terms of the Deed of Trust, the Property was conveyed in trust to the Trustee for the benefit of the holder of the Note to secure, among other obligations, the payment of the Note.

B. Colby TX Real Estate Holdings is the legal owner and holder of the indebtedness evidenced by the Note and secured by the Deed of Trust.

C. Default has occurred under the terms of the Note and the Deed of Trust. The indebtedness evidenced by the Note has either matured or has been accelerated in accordance with the terms of the Note and the Deed of Trust and as provided by law, and is now fully due and payable.

D. Colby TX Real Estate Holdings requested the Trustee to sell the Property in the manner provided in the Deed of Trust and as required by law to satisfy, in whole or in part, the obligations secured by the Deed of Trust.

NOW, THEREFORE, notice is hereby given that the undersigned, as the Trustee under the Deed of Trust, will sell the Property by public sale at auction at the Designated Sale Area and on the Sale Date described above to the highest bidder for cash. Such public sale will begin no earlier than the Earliest Time for Sale described above and no later than three (3) hours after that time.

NO WARRANTIES, EITHER EXPRESS OR IMPLIED, ARE OR SHALL BE MADE REGARDING THE PROPERTY AS TO MERCHANTABILITY, HABITABILITY, FITNESS FOR PURPOSE, WORKMANSHIP, OR QUALITY, AND NO POLICY OF TITLE INSURANCE WILL BE FURNISHED TO THE PURCHASER.

Pursuant to section 51.0075 of the Texas Property Code, the Trustee reserves the right to set further reasonable conditions for conducting the public sale. Any such further conditions shall be announced before bidding is opened for the sale.

If the Lender postpones, withdraws, or reschedules the public sale for another day, the Trustee or Substitute Trustee under the Deed of Trust need not appear at the date, time and place of the currently scheduled sale to announce the postponement, withdrawal, or rescheduling. Notice of the date of any rescheduled sale will be reposted and refiled in accordance with the posting and filing requirements of the Deed of Trust and the Texas Property Code. Any such reposting or refiling may be after the sale date herein.

Notice is further given, that except to the extent that the Trustee may bind and obligate Colby TX Real Estate Holdings to warrant title to the Property under the Deed of Trust, pursuant to § 51.009 of the Texas Property Code, the Property will be sold in an "as is" and "where is" condition. Conveyance of the Property will be made without any representations or warranties whatsoever, expressed or implied. Prospective bidders are strongly urged to examine the applicable governmental records to determine the nature and extent of any title issues, liens, encumbrances or property taxes related to the Property and should independently satisfy themselves regarding the nature of the Property and its physical condition prior to the sale.

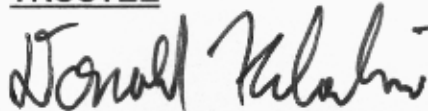
The name and address of the sender of this Notice of Trustee's Sale is:

Donald A. Kaczkowski  
777 Main Street, Suite 2700  
Fort Worth, Texas 76102

The real property components and any and all personal property components of the Property will be sold together at the non-judicial foreclosure sale described above, as permitted by Section 9.604 of the Texas Business and Commerce Code, as amended.

EXECUTED on December 10, 2021.

TRUSTEE

A handwritten signature in black ink, appearing to read "Donald Kaczkowski", written over a horizontal line.

Donald A. Kaczkowski, Trustee

**EXHIBIT A**  
**Property Description**

TRACT I: THE SURFACE ESTATE ONLY IN AND TO 996.92 acres of land, more or less, out of the Catarina Zepeda Survey 1247, Abstract 930, Atascosa County, Texas, described as 1007.94 acres in Volume 291, Page 255 of the Deed Records of Atascosa County, Texas; said 996.92 acre tract of land being more particularly described by metes and bounds on Exhibit "A-1" attached hereto.

TRACT II: THE SURFACE ESTATE ONLY IN AND TO 121.31 acres being Lot 54, NATASCOSA COLONY FARMS, Atascosa County, Texas, according to the map or plat thereof, recorded in New Plat Cabinet Sheet 7 A of the Plat Records of Atascosa County, Texas; said 121.31 acre tract of land being more particularly described and depicted by Exhibit "B" attached hereto.

## Exhibit A-1

### Medina Valley Surveys, Inc.

P. O. Box 1189, Castroville, Texas 78009  
830.381.6783 fax 830.533.9783  
established 1969

#### METES AND BOUNDS DESCRIPTION OF

996.92 Acres of Land out of the Catarina Zepeda Survey 1247, Abstract 930, Atascosa County, Texas described as 1007.94 Acres in Volume 291 on page 255 of the Deed Records of Atascosa County, Texas being more particularly described as follows:

BEGINNING at a set #4 rebar on the north right of way line of Texas Farm to Market 140 (FM 140), bearing S89°56'39"W 6173 feet from the intersection of the north line of FM 140 with the east line of Survey 1247, the southeast corner of this tract, the southeast corner of this tract and the southwest corner of the 300 acre tract described in Volume 194 on page 164 of the Deed Records of Atascosa County, Texas;

THENCE S89°30'26"W 6132.06 feet (Record: S89°04'00"W 6122.50 feet) with the north right of way line of FM 140, parallel with and approximately forty feet north of the south line of Survey 1247 and generally following a wire fence to a set #4 rebar, the southwest corner of this tract and the southeast corner of a 402 acre tract described in Volume 774 on page 262 Deed Records of Atascosa County, Texas;

THENCE N00°39'52"W 7043.41 feet (Record: N00°13'00"W 7052.00 feet) with the east line of the 402 acre and generally following a wire fence to a steel fence corner post ostensibly on the north line of Survey 1247, the northwest corner of this tract and the northeast corner of the 402 acre tract on the south line of a 320 acre being the John H. Gibson Survey 1325, Abstract 332 as described in Volume 40 on page 63 of the Deed Records of Atascosa County, Texas;

THENCE N89°26'24"E 2151.87 feet (Record: N88°59'00"E 2149.00 feet) with the ostensible south line of Survey 1325 and generally following a wire fence, to a set #4 rebar, the southeast corner of the 320 acre tract, the southwest corner of Lot 54, Natascosa Colony Subdivision as recorded in Volume 2 on page 12 (NPC 7-A) of the Plat Records of Atascosa County, Texas, a deflection point on the north line of this tract;

THENCE N89°00'59"E 4026.76 feet (Record: N88°19'00"E 4024.00 feet) with the south line of Natascosa Colony Subdivision, 24.6 feet north of a wire fence, and continuing, diverging from the wire fence to a maximum offset of 31.8 feet north of the wire fence at the southeast corner of Lot 54, the southwest corner of Lot 55, Natascosa Colony Subdivision and continuing with the south line of Lot 55 and generally following a wire fence, to a found concrete monument, the northeast corner of this tract and the northwest corner of a 300 acre tract described in Volume 86 on page 196 of the Deed of Trust Records of Atascosa County, Texas;

THENCE S00°17'17"E 7080.45 feet (Record: S00°11'00"W 7170.00 feet) with the west line of said 300 acre tract, another 300 acre tract described in Volume 335 on page 430 of the Deed Records, a 100 acre tract recorded in Volume 86 on page 196 of the Deed Records and the Texas and continuing with the west line of the 300 acre tract described in Volume 194 on page 164 of the Deed Records of Atascosa County, Texas and generally following a wire fence, to the POINT OF BEGINNING, containing 996.92 acres of land.

Bearings and Distances are based on Grid North according to the Texas Coordinate System, South Central Zone, NAD 1983. Record courses refer to Volume 291, page 255, Atascosa County Deed Records. All "SET" corners are marked with a red plastic cap stamped "CAREY 4454." A survey plat accompanies this description.

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